HON'BLE SRI JUSTICE R. SUBHASH REDDY

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WRIT PETITION NO.11460 OF 2006

DATE:19.06.2006

Between:

Vavilala Kishtaiah

..... PETITIONER

AND

Convenor, EdCET-2005,

Sanketika Vidya Bhavan, Masab Tank,

Hyderabad & another.

.....RESPONDENTS

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HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P. No.11460 OF 2006

ORDER:

This Writ Petition has been filed seeking a writ of Mandamus to declare the action of the respondents in not considering the candidature of the petitioner for allotment of seat in B.Ed course through Ed.CET-2005 in the Sports and Games quota by duly taking into consideration the relaxation of marks in the qualifying examination given in favour of SC/ST candidates, as discriminatory, arbitrary and illegal.

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondents.

It is submitted by Sri K.Balagopal, learned counsel appearing for the petitioner that though the petitioner is eligible for admission into B.Ed course having regard to the rank he has secured, but he has not been given admission only on the premise that he has not secured the qualifying marks of 45%. It is submitted by the learned counsel that the petitioner belongs to SC community, and in case of SC/ST candidates, there is an exemption from getting the qualifying marks of 45% and a mere pass in Part-II (Group Subjects) is sufficient. But, however, it is submitted, that the respondents without extending the benefit of exemption applicable to the SC/ST candidates to the petitioner, denied admission illegally and arbitrarily.

On the other hand, it is submitted by Sri Sudesh Anand, learned standing

counsel appearing for the respondents that though the petitioner belongs to SC community, but however, as he has not claimed admission in the quota meant for SC community, the benefit of exemption in qualifying marks applicable to the SC/ST candidates was not extended. It is stated that the petitioner secured only 39% of marks and, as such, he is not eligible for admission. However, on instructions, it is further submitted that there is one vacancy in one of the colleges in Mahaboobnagar District.

In this case, it is not in dispute that the petitioner belongs to SC community. Though general qualifying marks are 45%, but however, for the students belonging to SC and ST communities, there is an exemption and mere pass marks in Part-II are sufficient for eligibility to get admission. The benefit of exemption is not extended to the petitioner only on the ground that he has claimed admission in the Sports and Games quota, but not in the quota reserved for SC community. It is clear from the prospectus and rules framed that exemption is to all the candidates belonging to SC community. As much as it is not disputed that the petitioner belongs to SC community, merely because, he has claimed admission in the quota reserved for Sports and Games, he cannot be denied admission, as he is otherwise eligible as per the rank secured by him.

As much as the eligibility for admission as per the rank secured by the petitioner in the entrance examination under SC/ST quota is not disputed, I dispose of the writ petition directing the respondents to grant admission in the existing vacancy in any of the colleges in B.Ed course.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

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R. SUBHASH REDDY, J

19th JUNE, 2006.

Note: Furnish Copy tomorrow.

(B/o)

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